

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Northern Division

MISSISSIPPI ASSOCIATION OF
EDUCATORS¹, ET AL,

Plaintiffs,

Civil No. 3:25cv00417-HTW-LGI

v.

LYNN FITCH, ET AL.,

Defendants.

PLAINTIFFS' RESPONSE TO IHL DEFENDANTS
JOINDER IN MOTION TO DISMISS CLAIMS OF PLAINTIFF
UNITED CAMPUS WORKERS SOUTHEAST LOCAL 3821 [ECF #41]

Barbara Phillips, James Thomas, Dawn Zimmerer, L.E. Jibol, United Campus Workers Southeast Local 3821, Madisyn Donley, Alexis Cobbs, Karen Aderer, Fostering LGBTQ+ Advocacy, Resources, Environments and Women in Science and Engineering (collectively, “Plaintiffs”), by and through undersigned counsel, file their response to IHL [ECF #41], and in support thereof should as follows:

1. The United Campus Workers Southeast Local 3821 (“UCW”) has associational standing to sue the defendants because it is a labor organization, association with which is protected by the First Amendment, whose purpose is collectively advocating for improved terms and conditions of employment – including academic freedom – for its members. The challenged provisions of HB 1193 threaten the academic freedom of UCW’s members, chill their freedom of speech, and change integral parts of their jobs.

¹ Plaintiff Mississippi Association of Educators has filed a Motion to be Removed as Plaintiff, Dkt. 45.

2. Plaintiffs adopt and incorporate by reference, as if fully and completely set forth herein, the arguments and authorities set forth in the *Memorandum of Law in Support of Plaintiffs' Response to Non-IHL Defendants' and Attorney General's Motion to Dismiss [ECF #39]* and *IHL Defendants' Joinder in Motion to Dismiss [ECF #41]*, filed contemporaneously herewith.

3. Based on the grounds here-asserted as well as those in the above-referenced Memorandum of Law, Defendants' Motion to Dismiss should be denied.

For the reasons cited herein, Plaintiffs respectfully ask this court to enter an order denying Defendant's Motion to Dismiss.

Dated: July 16, 2025

Respectfully submitted,

<p><u>S/ ROBERT B. MCDUFF</u> ROBERT B. MCDUFF MS BAR NO. 2532 PALOMA WU MS BAR NO. 105464 MISSISSIPPI CENTER FOR JUSTICE 210 E. CAPITOL STREET, STE 1800 JACKSON, MS 39201 PHONE: (601) 259-8484 RMCDUFF@MSCENTERFORJUSTICE.ORG PWU@MSCENTERFORJUSTICE.ORG</p> <p>AMIR BADAT MS BAR NO. 106599 BADAT LEGAL PLLC P.O. Box 15 TOUGALOO, MS 39174 PHONE: (601) 462-9592 AMIR.BADAT@GMAIL.COM</p>	<p><u>S/ JOSHUA TOM</u> JOSHUA TOM MS BAR. No 105392 MCKENNA RANEY MS BAR NO. 106330 AYANNA HILL MS BAR No. 106590 AMERICAN CIVIL LIBERTIES UNION OF MISSISSIPPI FOUNDATION, INC. P.O. Box 2242 JACKSON, MS 39225 PHONE: (601) 354-3408 JTOM@ACLU-MS.ORG MRANEY@ACLU-MS.ORG AHILL1@ACLU-MS.ORG</p> <p>NICOLAS STANOJEVICH* QUINN, CONNOR, WEAVER, DAVIES & ROUCO LLP 2 20TH STREET NORTH, SUITE 930 BIRMINGHAM, AL 35203 PHONE: (205) 870-9989 NSTANOJEVICH@QCWDR.COM *ADMITTED PRO HAC VICE</p> <p>COUNSEL FOR PLAINTIFFS</p>
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CERTIFICATE OF SERVICE

I certify that the foregoing has been filed on the ECF system which served all counsel of record on this 16th day of July, 2025.

s/ Joshua Tom

Joshua Tom

Co-counsel for Plaintiffs